

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:19cr60-MHT
)	(WO)
LATRELL VONTAE CHISM)	

OPINION AND ORDER

This case is before the court on defendant Latrell Vontae Chism's unopposed motion to continue trial. For the reasons set forth below, the court finds that jury selection and trial, now set for August 12, 2019, should be continued, pursuant to 18 U.S.C. § 3161(h)(7), to November 18, 2019.

While the granting of a continuance is left to the sound discretion of the trial judge, see *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy

days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A). In granting such a continuance, the court may consider, among other factors, whether the failure to grant the continuance "would be likely to ... result in a miscarriage of justice," § 3161(h)(7)(B)(i), or "would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence," § 3161(h)(7)(B)(iv).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and Chism in a speedy trial.

Defense counsel represents that she plans to submit to the government a request for pretrial diversion, based at least in part on a report to be prepared by a forensic psychologist concerning Chism's mental-health issues. Due to a family emergency, the forensic psychologist who met with Chism has not yet produced the report. Defense counsel represents that a continuance is needed to allow for the completion of the report and pretrial-diversion request. The government does not oppose a continuance. Based on these reasons, the court concludes that a continuance is warranted.

Accordingly, it is ORDERED as follows:

(1) The motion to continue the trial (doc. no. 19) is granted.

(2) The jury selection and trial for defendant Latrell Vontae Chism, now set for August 12, 2019, are continued to November 18, 2019, at 10:00 a.m., in the

Frank M. Johnson Jr. United States Courthouse Complex,
Courtroom 2FMJ, One Church Street, Montgomery, Alabama.

DONE, this the 25th day of July, 2019.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE